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**Via ECF**

February 27, 2020

Honorable Lewis J. Liman  
United States District Court Judge  
Southern District of New York  
United States Courthouse  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, NY 10007

**APPLICATION DENIED.**

**SO ORDERED.**

Date: 3/2/2020

  
LEWIS J. LIMAN  
United States District Judge

Re: *Thorne v. Tory Burch LLC*,  
Civil No.: 1:19cv10403

Dear Judge Liman:

The undersigned represents Braulio Thorne, on behalf of himself and all other persons similarly situated (“Plaintiff”) in the above action against Tory Burch LLC (“Defendant”). In accord with Your Honor’s Individual Rules and Practices, we respectfully request a stay of this matter pending the resolution of the Motion to Dismiss currently before the Court in *Henry Tucker v. Whole Foods Market Group, Inc.*, 19-cv-9842 (RA) which has been fully briefed and is an identical “gift card” case. The Defendant in this action has filed a Motion to Dismiss Plaintiff’s First Amended Complaint and has not consented to this stay however, a stay would not prejudice either party.

*Tucker* asserts identical claims as those asserted herein. The decision on the Motion to Dismiss in *Tucker* will therefore have a significant impact on this case, as it will help clarify and possibly narrow the issues in the matter and help the parties determine how to move forward. Therefore, staying this matter pending the resolution of *Tucker* is in the interest of judicial economy and will help conserve both the parties’ and the Court’s time and resources. A stay was entered for similar reasons in three other identical “gift card” cases pending before this Court: *Delacruz v. Five Below, Inc.*, 19-cv-10294-RA (Dkt. 16); *Calcano v. Domino’s Pizza, Inc.* 19-cv-9823-GHW (Dkt. 24)<sup>1</sup> and *Delacruz v. Jamba Juice Company*, 19-cv-10321-GHW(Dkt. 20).

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<sup>1</sup>Annexed hereto is a copy of the Stay Order in *Calcano v. Domino’s Pizza, Inc.*.

The Plaintiff proposes that it will file its response to the Defendant's Motion to Dismiss within twenty-one (21) days of the Court's order in *Tucker*. In the alternative, if the Court is not inclined to stay this matter, Plaintiff requests a fifteen (15) day extension of time to respond to the Defendant's Motion to Dismiss. Plaintiff's response is currently due on March 21, 2020 and the extended date would be April 5, 2020. This is the Plaintiff's first request for an extension of time.

Accordingly, the Plaintiff respectfully request that this matter be stayed pending the Court's determination of the Motion to Dismiss in *Tucker* or, in the alternative, that Plaintiff be granted a fifteen (15) day extension of time to respond to the Defendant's Motion to Dismiss.

We appreciate Your Honor's consideration of this request and thank the Court for its time and attention to this matter.

Respectfully Submitted,

Gottlieb & Associates

s/Jeffrey M. Gottlieb, Esq.

Jeffrey M. Gottlieb, Esq.

cc: All Counsel of Record via ECF

Subject: Activity in Case 1:19-cv-09823-GHW Calcano v. Domino's Pizza, Inc. Order  
Date: 2/24/2020 9:28:22 AM Eastern Standard Time  
From: NYSD\_ECF\_Pool@nysd.uscourts.gov  
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U.S. District Court

Southern District of New York

### Notice of Electronic Filing

The following transaction was entered on 2/24/2020 at 9:27 AM EST and filed on 2/24/2020

Case Name: Calcano v. Domino's Pizza, Inc.

Case Number: 1:19-cv-09823-GHW

Filer:

Document Number: 24(No document attached)

### Docket Text:

**ORDER.** As discussed during the February 21, 2020 teleconference, this case is stayed to permit the resolution of motions to dismiss in similar matters currently pending before the Court and elsewhere in this district. The stay will remain in effect until July 21, 2020 or such earlier date as the Court may determine. The parties are directed to submit a joint status letter to the Court no later than July 14, 2020. In addition, no later than five days following the issuance of any opinion(s) in the Second Circuit evaluating the merits of claims such as those advanced by Plaintiff here, the parties are directed to submit a joint status letter addressing the impact of the decision(s) on the viability of this case and the continued need for a stay. (HEREBY ORDERED by Judge Gregory H. Woods) (Text Only Order) (Daniels, Anthony)

**1:19-cv-09823-GHW Notice has been electronically mailed to:**

Joseph A. Piesco joe.piesco@dlapiper.com, DocketingNewYork@dlapiper.com, joseph-piesco-jr-5993@ecf.pacerpro.com, new-york-docketing-7871@ecf.pacerpro.com

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